

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32141-2016 (O&M)

Date of decision: - 29.8.2017

Lachhman Singh

.....Petitioner

versus

Dhanno Bai

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Sansar Kundu, Advocate for the petitioner.

Mr. Satbir Gill, Advocate for respondent.

ARVIND SINGH SANGWAN, J (ORAL)

Present petition has been filed under Section 482 Cr. P.C. for quashing of order dated 24.9.2016 passed by trial Court (Annexure P-1) dismissing the complaint filed by the petitioner-complainant under Section 499/500/501/506 IPC as well as the order dated 23.3.2016 passed by Appellate Court vide which the revision filed by the petitioner-complainant was dismissed.

Brief facts of the case are that petitioner filed complaint against respondent who was the Sarpanch of the village at that time, with the allegation that respondent has not permitted the petitioner to work under the NREGA Scheme (in short 'the Scheme') and as per letter Ex. PW3/A, vide which the petitioner got an information under the Right to Information Act, 2002, from DRDA Sirsa, wherein, it was reported that respondent-accused has not followed the instructions of the Government for providing work under the Scheme.

The petitioner-complainant, in his preliminary evidence has examined himself as PW-1 and supported the version given in the complaint. He has also examined Pawan Pareek, Advocate as PW-2, who proved on record

Officer as PW3 who proved the Ex. PW3/A on record, in which it was mentioned that as per the statement of Dhano Bai, Sarpanch, petitioner and others have made a false complaint as the petitioner has not applied for employment before the Gram Panchayat. Petitioner further examined Naresh Kumar, Panchayat Secretary as PW-4 who proved the letter Ex. PW4/A, which was written by the BDPO, Rania to ADC-cum-CEO DRDA Sirsa.

After the preliminary evidence of the petitioner was closed, the trial Court vide order dated 24.9.2014, dismissed the complaint holding that it is a motivated and false complaint, mentioned in the letter Ex. PW4/A that the work on Ghagar river was in progress and petitioner refused to work. Therefore, the petitioner himself was not interested to work under the Scheme and therefore, the complaint filed by petitioner against respondent is a false complaint.

Thereafter, petitioner filed a revision before the revisional Court for setting aside the order dated 24.9.2014. The said revision was dismissed vide order dated 23.3.2016. The operative part of the said order reads under: -

"A perusal of allegations and preliminary evidence produced by complainant/revisionist on its face bring out that there were apparently no grounds to believe commission of criminal offences under Sections 499, 500, 501, 506 IPC because complainant Lachhman Singh (PW1) had nowhere explained how and in whose presence his reputation was lowered thus to attract mischief under Sections 499, 500 IPC. As regards allegations of criminal intimidations these appear to be concocted because veracity of allegations does not match with the correspondence Ex. PW4/A and Ex PW3/A because in those letters there is instead a mention of the fact that complainant himself was in the habit of making false complaints and he had never applied for work under NREGA Scheme. Otherwise, also commission of criminal offences is not made out from the allegations and proper course for the complainant was to approach authorities appointed NREGA Scheme to redress this grievances. But complainant to create pressure appears to have filed

complaint which has rightly been dismissed by learned Magistrate. As such no case is made out to interfere in the impugned order.”

It is further submitted by learned counsel for the petitioner that respondent has intentionally not allowed the petitioner to work under the Scheme and has insulted the petitioner.

On the other hand, learned counsel appearing for respondent submitted that a bare perusal of the complaint and the evidence on record, do not show that any offence punishable under Section 499, 500, 401, 506 IPC is made out and prays for dismissal of the present petition.

After hearing learned counsel for the parties, I find no substance in the present petition.

Admittedly, both the Courts below have recorded a finding that petitioner himself was not interested to do work under the Scheme and that as per letters Exs. PW3/A and PW4/A, which were produced by petitioner himself, it has come on record that petitioner himself is in the habit of making false complaints and in fact he has never applied for work under the Scheme.

I do not find any merit in the present petition.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

29.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No